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The Institutionalisation of the European Internal Cross-Border Co-Operation Policy. A first appraisal.

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Abstract

In the space of just twenty years, internal cross-border co-operation (CBC) has transformed from a marginal issue for European integration into an important strand of the third objective of European Union's regional policy. How might this process of transformation be explained? This study intends to reconstruct the chronology of its development through interviews and use of archival material. The emergence of the current cross-border co-operation policy was not, we argue, an inevitable solution to the problem of border management but, rather, the result of a struggle between the actors of that policy sub-system. The dramatic rise of CBC is the result of a series of factors that originated with the signing of the Single European Act in 1986. The construction of CBC as a set of problems and solutions by a network of policy actors at the margins of the EU through a series of technical reports, together with the policy window opened by the appointment of the Delors Commission, allowed the launching of an innovative CBC policy which has consolidated over time.

Key words

Cross-border Co-operation, Structural Funds, Agenda-setting, Institutionalisation, Policy Change.

INTRODUCTION

After many years of experimentation, internal cross-border co-operation (CBC) has grown considerably within the European Union (EU). CBC still remains more important symbolically than financially, but decisive steps towards its realisation have been taken at an EU institutional level. This is demonstrated by recent developments in EU regional policy. First, in 2006, the European Groupings of Territorial Co-operation (EGTC) gave a new legal structure to CBC. This body supports official contracts between local, regional, and state actors while simultaneously allowing them a certain amount of flexibility (European Parliament and Council of Ministers, 2006). Following on from this, CBC was funded with some 5.6 billion euro for implementing 53 programmes along internal EU borders. Lastly, CBC has been officially converted into an essential feature of Objective Three of the EU's structural funds 2007-13 programming period. Such evidence demonstrates European Union belief that socio-economic cohesion can be realised – at least partially – through cross-border co-operation (Council of Ministers, 2006).

As such, CBC is part of a larger programme called the European Territorial Co-operation Objective which is funded with 8.7 billion euro, viz. 2.5% of the total 2007-13 provision for cohesion policy (figure 1). This objective currently divides into three strands: *cross-border co-operation* between regions sharing a common border (5.6 billion euro); *transnational co-operation* between states with regions sharing a common border (1.8 billion euro); and *interregional co-operation* between regions within the EU (which includes INTERREG IVC along with three networking programmes: ESPON, URBACT II and INTERACT II, funded with 445 million euro). As during the former programming periods, cross-border co-operation remains the most important part of this policy area, representing the lion's share of the territorial co-operation policy budget (figures 2 and 3).

CROSS-BORDER CO-OPERATION

In this paper, CBC is defined as a policy promoting all types of negotiated actions between the public institutions of at least two neighbouring territorial entities. This definition embraces a wide range of policy *praxis*, from simple twinning agreements between two hamlets to the creation of large cross-border Euroregions. CBC includes different sub-policies dedicated to internal borders (e.g. INTERREG *International Regions*) and external borders (e.g. PHARE *Poland Hungary Assistance for Restructuring the Economy–Cross-Border Relations*, TACIS *Technical Assistance to the Community of Independent States*, ISPA *Instrument for Structural Policies for Pre-Accession*, SAPARD *Special Accession Programme for Agriculture and Rural Development*, CARDS *Community Assistance for Reconstruction, Development, and Stabilisation* and the financial instrument for Turkey). Nowadays, the funds for external cross-border co-operation are overseen by two instruments called IPA-CBC *Instrument for the Pre-Accession Assistance* (600 million euro) and ENPI-CBC *European Neighbourhood and Partnership Instrument* (1.18 billion euro). Among these different institutional mechanisms, INTERREG is without a doubt the most important, which is why this paper concentrates on this dimension.

Of course, CBC is not specific to the EU. All around the world, *paradiplomacy* has increased considerably since 1958 – the year of the creation of the EUREGIO Euroregion between Germany and Holland – and many cities and regions manage their own foreign policy through international associations of sub-state governments (Michelmann and Soldatos, 1990). Nevertheless, unlike agricultural or industrial policies, CBC is not a

traditional state policy transferred to the EU. Starting as an innovating programme in the mid-1960s, CBC has grown in parallel with the EU itself.

CBC has generated several studies focusing on cross-border territorial governance (Koschatzky, 2000, 429-449; Perkmann and Sum, 2002; Perkmann, 2003, 153-171; Kramsch and Hooper, 2005; Knippschild, 2011, 629-645), on the feelings of belonging at the borders (Anderson *et al.*, 2003; Bray, 2004; Hayward, 2011, 31-34) or on the management of European regional funds in cross-border areas (Tannam, 2006, 407-422; Harguindéguy, 2007, 317-334). These analyses oscillate between two rival interpretations of the rise of CBC in Europe. On the one hand, this phenomenon has been understood from an intergovernmentalist perspective as a side-payment between member states; on the other hand it has been interpreted by neo-functionalists as a logical consequence of the spill-over process towards a growing integration of the EU in the post-Cold War era. Nevertheless, few authors have focused on CBC policy as a research field *per se*. This is regrettable since, as with climate policy or gender policy, CBC policy is an interesting case of innovative programme in the framework of the European regional policy. Moreover, it provides an excellent case study for examining the dynamics of EU policy institutionalisation, or mainstreaming – a term used in this paper to refer to the process of inclusion of CBC policy into the structural funds' policy machinery (Booth and Bennett, 2002, 430-446).

This paper is therefore very functional in aim. It addresses the question of how internal CBC has shifted from being merely a simple claim, to becoming a topic of concern (first marginal, then innovative) in the EU, to finally becoming a full structural fund objective of the current programming period of European regional policy. The main hypothesis of this paper lies in a micro-sociological vision of the EU agenda-setting process, whose ambition consists in going beyond the intergovernmentalist and functionalist visions of integration. In other words, the emergence of the current CBC policy must not be considered as being at any point an inevitable outcome of various attempts to address the European problem of (internal) border management. Arguing against any illusion of historical rationality in policy development, this paper postulates a situation of organised anarchy, with fuzzy problems *and* solutions taken from a tombola of ideas according to the balance of power among the different actors involved in this policy sub-system (March and Olsen, 1989). Drawing on the works of specialists of policy agenda studies (Padioleau, 1982; Kingdon, 1995; Jones and Baumgartner, 2005), the hypothesis proposed here is that a EU CBC programme emerged in 1989 thanks to the combination of different elements: the construction of a CBC issue – that is a set of problems and solutions – by a network of policy actors at the margins of the EU through a series of technical reports, and the nomination of Jacques Delors at the head of the Commission along with pro-active commissioners.

From a methodological perspective, this study can be considered as a middle-range analysis focusing on interests, institutions and ideas over time in a specific sub-system of public policy. This paper is based on research undertaken during the academic years 2002-08, and refreshed in 2010 and 2011. The research included detailed analysis of 'grey literature' from the Commission, the Council, the Parliament and several technical reports on the implementation of INTERREG in different member states. It also collated original data through a series of 45 semi-structured interviews with political leaders, civil servants, non-governmental activists and policy evaluators involved in INTERREG management, complemented more recently by telephone interviews (see table 1). This information has been organised and presented in a chronological fashion in order to understand the genealogy of the CBC policy and why institutions decided to adopt different sets of problems and solutions regarding the management of European borders from 1957 to

2007. Following Guiraudon (2003, 263-282), this research deliberately tries to identify when CBC started and when it changed (time dimension), why it shifted from being a pilot-project to a mainstreamed objective of EU regional policy (formal dimension), and why a particular ideological toolbox was adopted (frame dimension).

This paper comprises two sections; the first questions the theoretical assumptions of the policy mainstreaming process; the second analyses the evolution of CBC policy as divided into three epochs (pre-history, genesis, and institutionalisation) based on a set of institutional venues and competing policy paradigms, and ruled by stabilising or destabilising forces.

UNDERSTANDING POLICY INSTITUTIONALISATION DYNAMICS

Dealing with Policy Institutionalisation

According to the theoretical literature, policy institutionalisation is only one modality of policy change (Capano, 2003, 781-801). Policy change is a sub-field of policy analysis which has grown considerably in recent years (Bennett and Howlett, 1992, 275-294; Capano and Howlett, 2009, 1-5). Drawing on the seminal analyses of Sabatier (1988, 129-167), Rose and Davies (1994), and Howlett and Ramesh (1998, 466-481), policy change can be defined as all those relevant modifications related to the set of actors involved in a policy programme, including its leading institutions, the measures implemented, and the political discourse which legitimates such policy. Indeed, analysing a process of policy institutionalisation means assessing how (and why) the management of a policy programme progressively mobilises more funds, more human resources, more organisations, new instruments and more public attention. In the case of the EU, this evolution is made visible by the growing budget of CBC and the creation of new standards and institutions of implementation.

This has been a growing topic of academic interest since the late 1990s. The first problem analysts meet is that of the specification of the dependent variable: what does a policy consist of? It could be a general paradigm, or a budget heading which affects the nature of the state, or merely a set of legal decisions taken by local authorities. The level of abstraction that is best suited to analyse a policy change is an important issue when looking for the reasons of policy change (Kuhner, 2007, 5-18) since it determines the practical aspects of the study (i.e. database, methods and techniques). Indeed, whilst one author may focus on budgetary evolution (Mortensen, 2005, 931-950), another can centre on actors' behaviours and networks (Guiraudon, 2003, 263-282) or on the evolution of ideas which structure a policy sub-system (Hall, 1993, 275-296).

The second difficulty relates to independent variables, the so-called 'drivers' of policy change (Capano and Howlett, 2001, 1-5). Actually, there are rival explanations for understanding the patterns of policy change and stability. These include the changing nature of policy problems (Sousa and Klyza, 2008, 377-444), bureaucratisation (Robinson *et al.*, 2007, 140-150), voting behaviours (Kuran, 1989, 41-74), discursive modifications (Schmidt and Radaelli, 2004, 183-210), or even moral panics (Fitzgerald, 2004, 315-338). Organising these 'drivers' of policy change according to their impact as independent variables is a complex mission. Most researchers have hypothesised that profound policy changes usually come about through the effects of exogenous shocks causing disruptions in existing policy practices while endogenous routines are instead considered to be a source of stability (Sabatier, 1988, 129-167).

Timing and causality are at the roots of the third debate on policy change and institutionalisation. When might any analyst state that a given alteration must be considered fundamental or marginal for the evolution of a public policy (Pierson, 2004)?

How can it be known that an event will have serious consequences on the course of a policy programme? The multitude of direct and indirect effects generated by a single decision can be difficult to understand immediately after it has been taken because time can make the difference between a temporary and a large-scale policy alteration (Capano and Howlett, 2009, 1-5). In order to deal with this predicament, most authors now envisage the evolution of policy programmes as a cycle of stable day-to-day arrangements (Lindblom, 1959; Cohen, March and Olsen, 1972, 1-25; Kingdon, 1995) and dramatic reversals ruled by the dynamics of agenda setting and conflict expansion (Baumgartner and Jones, 1993; Jones and Baumgartner, 2005) over a period of ten years or more (Sabatier, 1988, 129-167). Then, a policy is generally ruled by an incremental process which generates long periods of stability. Nevertheless, in some occasions, rapid bursts can occur through the mechanism of 'policy punctuation'. This is the 'punctuated equilibrium' approach which allows *a-posteriori* description (but not yet a prevision) of policy change.

Our Approach

This paper assumes policy studies and classical political sociology can be usefully combined to resolve the three debates quoted above (Jones, 2003, 395-412). Firstly, the dependent variable assessed by this study is a sub-sectoral policy change: cross-border co-operation, which is itself a small part of broader sectoral policies, namely EU territorial co-operation and regional development policy. This study analyses the construction and evolution of CBC over five decades (1957-2007). In other words, change is understood as a global change including interests, institutions and ideas (Palier and Surel, 1997, 469-496)

Secondly, the independent variables which shaped this unit of analysis are various. Actually, the story of the rise of CBC on the EU policy agenda features the arrival of governmental and non-governmental actors on the European scene. Members of national governments, deputies of member states' parliaments, Eurodeputies, European commissioners, non-governmental activists and academic experts were among those mobilised in order to impose their own definition of policy problems. In this respect, the Bourdieusian notion of 'field' (Bourdieu, 1981, 3-24) is particularly helpful since it allows understanding the struggle within and among each of these groups for the monopoly of the legitimate definition of the social world (Stone, 1989, 281-300; Guiraudon, 2003, 263-282).

Thirdly, such an actor-centred approach envisages the policy agenda-setting as a non-linear process where issues are influenced by endogenous variables like the internal policy images and venues described by Baumgartner and Jones (1993) and exogenous factors (such as economic crisis or ecological catastrophe) as stated Kingdon (1995). This means that problems and solutions are not necessarily formulated in a linear fashion. In the same way, the success or failure of a given ideological frame will depend heavily upon its social conditions of emergence and open or closed windows of opportunities (Howlett, 1998, 495-524). This means that actors cannot control the whole process of agenda-setting and their individual strategies for managing policy venues and representations depend heavily on the political opportunity structure they deal with. In these conditions, there is no reason to think that a period of ten years is always the best-suited period for analysing these dynamics.

THE EVOLUTION OF CBC POLICY: A THREE STEP PROCESS

Cross-border Co-operation as an Irrelevant Issue in an Era of Intergovernmental Arrangements (1957-86)

As noted by Sunnen (1970, 154-178), border affairs have always been implicitly present in the European integration project. Nevertheless, pro-CBC actors were excluded from the birth of the decision-making system of the European Communities and this exclusion shaped its future development. Frictions were clearly visible as early as the Conference of Messina in 1955, which aimed to prepare the future of the Community. The Preamble of the subsequent Treaty of Rome (1957) highlighted the Community's '*objective to ensure [the] harmonious development [of territories] by reducing the differences existing between the various regions and the backwardness of the less-favoured regions*' [emphasis added]. The Spaak Report (1956) proposed to fill the socio-economic gap of six member states (Germany, France, Italy, Belgium, Netherlands, and Luxemburg) *vis-à-vis* the United States. In order to do so, the report projected the creation of a dedicated fund for industrialising poor areas and proposed, in a neo-liberal fashion, diminishing European borders in order to minimise restrictions to the free market (Keohane and Hoffmann, 1991, 1-39). However, political pressure by German and French social-democrats, along with Italian demo-Christians within the Council of Ministers, seriously limited the transposition of the report's principles into the Treaty of Rome (interview with a civil servant from Directorate General Regio, Brussels, 2003).

As a result, in 1957, the European Economic Community (EEC) was an intergovernmental polity. And when the three associations grouped in 1967 to create the European Communities (the EEC, Euratom, and the European Coal and Steel Community [ECSC]), political power was retained in the hands of the member state representatives in the Council of Ministers. The other organisations of the EEC *triumvirate* – namely the Commission and the Parliament – were at that time merely consultative agencies (Hoffmann, 1966, 862-916). This institutional design had a crucial importance for the field of CBC, given that between 1957 and 1988 no actor managed to impose any specific policies for border regions against the will of the member states.

Regional policy itself was only evoked for the first time in 1961, during a conference organised by the Commission on the economic problems of European territories. It was next raised through a series of contacts between Commissioners and deputies of the European Parliament in 1963. This was the starting point of a study on possible industrial cross-border co-operation between Luxemburg and Lorraine, which was followed by research on border regions (including Limburg, Charleroi, Saar, and Lorraine) conducted by the ECSC. In 1966, the Bersani Report identified the need to implement a vigorous regional policy at the European scale in order to maintain socio-economic cohesion. The Commission in general – and General Directorate XVI in particular – had to innovate in order to maintain its position within the new bureaucratic framework of the EEC in respect to the Council (interview with a civil servant from Directorate General Regio, Brussels, 2003). In actual fact, control over future regional policy was an important issue that no European institution wanted to lose. Nevertheless, the concrete management rules of this new programme were not as yet decided; this moment of relative confusion seemed a good time to foment a border policy, as demonstrated by the efforts of certain Commissioners to place border regions on the EEC policy agenda. Indeed, one of the Bersani Report's first drafts (11th May) explicitly stated that '*border regions encounter very specific problems within the Community*'. Also in this vein, the President of the Commission declared on two occasions (in 1968 and 1969) before the Parliament that '*border regions deserve our whole attention within the Community framework*.'

At the same time, the Commission was preparing an ambitious survey on the opportunities for co-operation between Twente, Oostelderland, Westmünsterland, and Grofschoft. This report was pressed for in 1971 by an incipient European ‘civil society’ through the creation of the Association of European Border Regions (AEBR) in Bonn. The AEBR was one of the first regional governmental groupings in Europe and its first president, Alfred Mozer, was Head of Cabinet of Sicco Mansholt, the Commissioner for Agriculture. It was founded by the representatives of ten Dutch-German border regions already grouped into cross-border organisations (such as Euregio, Regio Basiliensis, and Regio Rhein-Waal). Nevertheless, no border policy appeared; the Commission had other priorities, since it was embroiled in running battles with the Council over attempts to escape the control of member state governments.

This situation of institutional deadlock was deeply rooted in the political ideology which structured European regional policy at that time. Pro-CBC factions included some Commissioners, members of the Parliament, and regions’ associations, but their exclusion from decision-making – under the strict ruling of member states – seriously hampered the development of a dedicated CBC policy. In sum, the dominance of member states’ interests through the Council of Ministers, together with tacit agreement on the intergovernmental vision of Europe, worked in a self-reinforcing way which led all proposals for CBC to an institutional deadlock.

As demonstrated by the reports on the European regional policy of that time (Conseil des Ministres, 1974), this polity was characterised by the common aim to protect state sovereignty; CBC was clearly perceived as a danger by member state governments. Until the 1980s, the European Communities were conceived as mere intergovernmental associations, where member states only shared resources and competences in policy sectors where the states had a direct interest (e.g. the Common Agricultural Policy for France, the ECSC for Germany, and even an embryonic regional policy for attracting new members like the United-Kingdom). Under these conditions, boundaries were understood as simple division lines which hermetically bordered powerful Westphalian states (Saez and Leresche, 2002, 79-99).

This view of European integration has sometimes been described as the ‘Gaullist’ vision of the EEC (Moravcsik, 1998), even though it was largely shared by the other members of the Council of Ministers. Such a paradigm was based on a set of consistent values, norms, algorithms and images. Firstly, according to an *intergovernmentalist* vision, states alone could legitimately decide the future of the European territory. Consequently, member state governments were supposed to manage territorial development policies in a *dirigist* manner, as the representatives of the European nations. Of course, the *centralisation* of regional policy at the state level was a logical option, since sub-state units or a European supranational government would have diluted the common interest of European nations into a seamlessly fuzzy European common good. Lastly, from this viewpoint, border areas were perceived as regions under the tutelage of sovereign states and were used as strong *protectionist* barriers against neo-liberal management of economy and a rising borderless market throughout Europe. In sum, whatever the motivation of this discourse (a vibrant homage to the Europe of welfare-states, or a strategy to defend national economic interests against the constitution of a border-free market throughout the continent), it clearly impeded the development of a specific CBC programme piloted by the Commission.

The situation evolved in the mid-1970s. The European Regional Development Fund (ERDF) was finally created in 1975 by the Council of Ministers as an intergovernmental system of financial compensation. At its very beginning, ERDF completely depended on member states: a system of quotas ruled financial transfers for member states, areas to

receive help were decided by state governments, and ERDF grants represented only 4.8% of the European budget. However, this system quickly proved itself inefficient: regional subsidies were somewhat liberally dispensed and were often used to fund national projects. Such a European regional policy departed from its primary objective of harmonious development in the whole continent.

The ERDF was reformed for the first time in 1979, and this reform consisted in handing part of the regional policy budget to European commissioners in order to finance projects in poor areas. The so-called 'ex-quota section' reached 5% of total ERDF spending, and some 'specific actions' were implemented through this mechanism. This system supposed the transfer of new competences and experts to the Commission for analysing the territorial disequilibria of Western Europe. This new legitimacy of the Commission was then used by Community outsiders to press their project of border policy.

The first concrete initiatives in favour of CBC were launched in 1978 at the margins of the EEC by the members of the Permanent Conference of Local and Regional Authorities – a regional association member of the Council of Europe – who approved the Bordeaux Declaration for promoting European regions as '*an ideal recipient for cross-border co-operation.*' On 21st May 1980 in Madrid, the representatives of the Council of Europe, on the initiative of the AEBR, published the European Outline-Convention of Transfrontier Co-operation between Territorial Communities or Authorities, a text designed to provide a legal framework to CBC pioneers aiming to create cross-border organisations.

In response, the European Commission adopted the recommendations of the 9th October 1981 and 19th June 1984, which ordered member states to promote cross-border co-operation by all means possible. Yet despite this active lobbying by peripheral institutions, issues concerning border regions were still deemed insufficient by member states' representatives for inclusion in the European Community agenda. This notwithstanding, the first stone had been laid for the future development of CBC.

Cross-border Co-operation as a New Agenda Issue in a Context of Rapid Change (1986-89)

The mid-1980s constituted a period of transition for CBC. Although the Council of Ministers remained the political centre of the EEC, especially during intergovernmental conferences, the Parliament and the Commission arose as competing institutions in certain policy sectors like regional development, providing new entry doors for CBC lobbyists.

Such a lobby was led by the coalition formed by the European Parliament, regional and city governments, the AEBR (whose former president Gerlach was a member of the European Parliament) and 'quasi-Community' institutions such as the Council of Europe and the Advisory Committee of Local and Regional Authorities (later to become the Committee of the Regions). This coalition – ruled in the main by powerful German *länder* leaders – intended to question the dominant representations of border areas among the Community institutions (European Parliament-AEBR, 1976, 1981 and 1985). The first element they tackled was related to *EEC governance* itself: was regional cohesion possible if state governments re-nationalised European grants according to their own policy planning schemes? Secondly, in a context of crisis of the traditional welfare state model, was it acceptable that member states rule their territory in a *dirigist* manner while ignoring the new Community method based on contracts, tendering, partnership, concentration and subsidiarity? By the same token, could the EEC ignore the new *centre-*

periphery relations and the claims of sub-state governments for easier access to decision-making? Finally, was it realistic to maintain national *protectionist policies* if the objective of European integration was the socio-economic cohesion of the whole continent? (Gabbe *et al.*, 2008, 31).

In 1984-85, after a decade of 'Euro-pessimism', French President François Mitterrand and German Chancellor Helmut Kohl feared the constitution of a 'two-speed Europe' (*Europe à deux vitesses*) and pressed for increasing the integration of all member states, with a special emphasis on the United Kingdom under Margaret Thatcher's premiership. Drawing on the recommendations of Commissioner Arthur Cockfield (1994), the British Prime Minister accepted to join that process in return for cuts in agricultural policy, the extension of the qualified majority vote at the Council and the opening of national public services to international competency. The nomination of the Commission presidency of Delors from January 1985 was decisive in re-launching Community dynamics and concretising the Common Market (Arnaud, 2004). The Commission reached a pact with member state representatives on the Single European Act in 1986 (Delors package 1) for implementing this policy in January 1992. The completion of the 'single market' became the new *leitmotiv* of the Commission: European borders would no longer limit the movements of individuals, goods, services, and ideas (Swann, 1992, 3-25). This historical episode was the starting point of a series of profound modifications for CBC policy. This period allowed the combination of three essential features: the construction of a new policy problem, the proposal of a solution, and a political calendar favouring the opening of a policy window.

The problem was posed by CBC lobbyists to Commissioners when the project of the Single Act appeared on the Commission's agenda. The aim of Delors consisted in converting the EEC into a huge integrated economic market in order to avoid internal costs of transaction – the so-called 'cost of non Europe', that is about 4.25% and 6.5 % of the Growth Domestic Product of the Community according to the Cecchini Report (Cecchini, 1988; Ernst & Whiney, 1988). The problem was European territory was not homogeneous since some specific areas suffered from their marginal position and needed financial assistance (as stated by the Padoa-Schioppa Report, 1987). This was particularly the case for border areas. In a *laissez-faire, laissez-passer* context, free market was supposed to correct the socio-economic imbalance of the EEC, especially in under-developed areas. Nevertheless, the simple opening of economic boundaries failed to do this in border areas, since most regulations in place still slowed or impeded fluid exchanges of trade, investment and labour. In that context, the management of border areas by special laws was more necessary than ever in order to facilitate transactions (through bridges, roads, fiscal agreements, etc.) and avoiding unnecessary duplication of facilities (e.g. two neighbouring hospitals on each side of the border) in order to realise economies of scale. In sum, the fuzzy CBC issue had been converted into a clear political problem which needed a political solution (Hassenteufel, 2010, 50-58).

The solution found for resolving the legal asymmetry and the lack of border investments was made of different measures for helping border public authorities (town councils, provinces and regional governments) to improve their collaboration with their foreign counterparts. The claims of border regional leaders were based on a double-discourse: on the one hand, border regions needed economic compensation to deal with the opening of borders; on the other hand, these areas had great potential for economic development (interview with a member of the AEBR, Barcelona, 2006). As a result, in a series of reports, the AEBR (grouping more than 50 regional members) *via* the Council of Europe (Council of Europe and AEBR, 1984) made various proposals to the Director responsible for regional policy of the Commission, Georges Rencki. These reports

claimed a European juridical framework to avoid legal asymmetry between national laws and a specific funding to promote cross-border co-operation projects over the whole continent, especially with future member states (Gabbe *et al.*, 2008, 31). At the same time, this solution reinforced the position of the AEBC in the Community institutions by justifying its activity.

The juxtaposition of ‘solution’ and ‘problem’ occurred in 1987. As stated by one of the interviewees: ‘The main change after the signing of the SEA was precisely the Commission began to change its mind respect to borders. It progressively considered these territories as regions per se and not as the extremities of national territories’. (interview with a Spanish public servant of the DG REGIO, European Commission, Brussels, 2002). At that time, Hans Poetschki (former member of the AEBC and member of the European Parliament) proposed to launch a specific budget line for cross-border co-operation. This new financial instrument was definitely adopted when the Delors Commission gained new powers through the reform of regional policy and decided to organise a series of meetings with the Advisory Committee of Local and Regional Authorities and General Directorate XVI. Consequently, although EEC authorities had been hesitant to consider claims emanating from the AEBC prior to 1988, its agents (regional Commissioners Grigoris Varfis and Bruce Millan in particular) subsequently proved to be very open-minded. Such a change in position can be explained by several factors. At the administrative level, the deadline of 1 January 1992 for the disappearance of internal EU borders proved an important motivating factor. At the political level, the strong lobbying exerted by powerful regions (especially the German *länder*, Basque Country, Catalonia, and Flanders) through the Council of Europe drove Commissioners and ministers (many Eurodeputies were already strong supporters of a CBC policy) to be more receptive to appeals from advocates of border territories. Finally, and consistent with the ‘garbage can’ theory (Cohen, March and Olsen, 1972, 1-25), Community actors had no alternative solutions to these new political problems since member states’ radical defenders (for instance, the extreme right in Austria and France) did not mobilise seriously on a European scale. In these conditions, the reform of the structural funds in 1988 became a fundamental policy window for CBC policy supporters. As a result, a new chapter relating to ‘*economic and social cohesion*’ was introduced into Article 2 of the Rome Treaty to counterbalance the effects of border suppression (Hooghe and Keating, 1994, 367-393) and the EEC regulation 2052/88 published by the Council on 24 June made concrete the entry of CBC onto the Community agenda.

During the following months, negotiations between General Directorate XVI, Jacques Delors, and 12 member state representatives prefigured a ‘big bang’ in regional policy matters. Firstly, the budget for regional policy was starting to increase considerably (the three regional funds represented 17.6% of all Community resources in 1986, 27.8% in 1992, and 36% in 1999). Secondly, structural funds were divided into different objectives implemented according to a territorial mapping based on the Nomenclature of Statistical Territorial Units defined by the Commission (and which, significantly, were not obligated to correspond to the policy zoning established by member states). This territorial planning policy benefited from Article 10 of the ERDF regulation, which was partially shaped by collaboration with the European Parliament. This article allowed financing of some pilot projects and Community initiatives to address political issues deemed particularly relevant by the Commission, such as rural development, gender equality, and CBC. In 1989, CBC converted into a pilot program called INTERREG, funded with 800 million euro. This amount was theoretically attributed to border areas (and to states) and was negotiated directly with local and regional representatives. After such negotiations, the Commission was supposed to establish a Supporting Community

Framework presenting the strategy, the objectives, the financial plan of the initiative and its division into different Operational Programmes. After that point, this Community Framework was to be managed by a committee that integrated actors from a large range of local organisations (civil servants, political leaders, experts, interest group's representatives and so on). In sum – and despite an implementation process controlled by national authorities (Harguindéguy and Bray, 2009, 747-760) – the launch of INTERREG was also the starting point for re-scaling public policy at a European level.

The Mainstreaming of Cross-Border Co-operation Policy (1990-2007)

The progressive mainstreaming of CBC was the product of external and internal dynamics. Indeed, the fall of the Berlin Wall in 1989 provoked a movement of national independence which multiplied the number of potential future EU member states in central and Eastern Europe. On 7 July 1989, the implicit renunciation of the Brezhnev Doctrine by Mikhail Gorbachev enabled the protest campaigns in former satellites of the Soviet Union to give rise to the independence of many EEC neighbouring countries like Poland, Hungary, East Germany, Czechoslovakia, Estonia, Latvia, Lithuania, Bulgaria and Romania. Sooner or later, the question of their integration into the Community would be posed. In that context, cross-border co-operation was considered as a first step towards full integration (Blatter and Clement, 2000, 15-53).

From an internal point of view, a new division of work between Community institutions appeared. As a consequence, regional affairs were put under the competence of General Directorate XVI (today DG Regio). Beginning in the early 1990s, this new avenue for CBC lobbyists developed in parallel with the constitution of a consistent coalition for promoting CBC in Europe based on border regions and Euroregions' governments, the AEBR, the Council of Europe (and its new Expert Committee on border issues), the newly created Committee of the Regions and some Euro-deputies coming from border areas. In particular, the AEBR was already at that time one of the five main regional associations of Europe along with the Assembly of European Regions (1985), the Eurocities network (1986), the Council of European Municipalities and Regions (1951), and the Conference of European Maritime Regions (1973). The territorial authorities and governments' lobby was then well organised in Brussels (Mazey, 1995, 78-104).

In the battle for ideological supremacy, these new actors sought to impose a new representation of regional policy and border issues through an active campaign of information (such as a series of European conferences for border regions, or informal contacts with Community leaders). The first element of this new frame was the progressive transition of EU governance towards a more *supranational* pattern in the field of regional policy (Stone Sweet and Sandholtz, 1998, 1-26). Although there were significant discussions around this point, CBC was essentially understood to be a *supranational* policy by nature, since intergovernmental management would lead to a fragmentation of the border policy (Interact, 2005). The second concept which structured the policy image of the current CBC policy was *contractualism* (and the whole ideology of new public management). After decades of *dirigist* management of territorial issues, the shift towards new policy instruments like contracts, tendering, subsidiarity, evaluation, and partnership was now complete. The corollary of contractualism was the dispersion of authority within the EU, due to the continental process of *decentralisation* in member states that had begun in the early 1980s. Decentralisation, federalisation, regionalisation, autonomous process and, more recently, devolution of competences and

resources among cities, provinces, regions, and their associations were important trends to take into account regarding the institutionalisation of CBC policy.

Lastly, the institutionalisation of CBC must be understood in the new context of *free market* within Europe. This related to a more general paradigmatic change, since the Common Market policy had been repeatedly reinforced by several measures based on the same ideology, such as the Stability Pact of Maastricht (1992) or the European common currency (1999). These changes limited the autonomy of member states and strictly impeded protectionist measures at the borders. Within this new ideational scheme, CBC was one of several instruments designed for increasing the integration of border inhabitants and economic systems among old and new member states. As stressed by a member of the Catalan government:

The pro-territorial co-operation regions could be divided into three groups: those which have a long experience of cross-border co-operation (like Dutch regional leaders); those which have a direct political interest in promoting territorial co-operation in order to by-pass the authority of the central state (like us [Catalonia]); and those which find co-operation is an interesting policy for developing their new agenda as decentralised regions (like the French regions, for instance) (interview with a civil servant from the Generalitat de Catalunya, Barcelona, 2004).

This new relationship between the Commission and the pro-CBC network allowed the pilot-project INTERREG to be integrated into Community initiatives from 1990 onwards. Indeed, during the first programming period (1990-93), this was by far the most costly of the 14 initiatives, costing 1.082 million Euros (out of a total 5.5 billion Euros of initiative spending) for implementing no fewer than 2,500 projects. These initiatives, based on a '*bottom-up*' approach, were special programmes established by the Commission to intervene directly with sub-national actors to break the '*top-down*' bureaucratic logic of classical regional policies (Hooghe and Keating, 1994, 367-393). Moreover, the Commission agreed to fund a new program called LACE-TAP (for *Linkage Assistance and Cooperation for European Border Regions-Technical Assistance and Promotion of Cross-Border Cooperation*) consisting of establishment of an 'observatory' of cross-border co-operation around internal and external borders with the aim of facilitating future enlargement of the EU. In parallel, PHARE, the first programme of co-operation with Eastern and Central countries, was launched.

The 'reform of the reform' occurred in 1993. The close co-operation between the Commission and the pro-TC coalition (Stumme and Gabbe, 2001) during the 1994-99 period allowed total spending for the 13 initiatives to increase to 14,379 million Euros (9% of structural funds) while the INTERREG-II budget grew to 2,900 million euro. INTERREG II combined the former initiatives INTERREG and REGEN and divided into three strands: A (cross-border), B (transnational) and C (interregional). However, the high complexity in financing co-operation projects and the juridical asymmetry between member states made it difficult to implement the scheme designed by the Commission. Indeed, despite the publication of a *Practical Guide to Cross-border Co-operation* in 1996 (written by the representatives of the 82 members of the AEBR and funded by the European Commission), INTERREG II was still used as a substitute for national funds (European Parliament, 1996).

In March 1999, Jacques Santer, the new president of the Commission, presented the Agenda 2000 of the Union in Berlin (Begg, 1998, 629-633). This document planned for the redirection of regional grants towards Central and Eastern European candidate countries. These countries already benefited from special programmes like PHARE and TACIS, similar to INTERREG, in order to socialise their administrative staffs to the

management of European funds and to facilitate their entry into the EU. Negotiations occurring during the Agenda 2000 presentation reinforced the former budgetary pattern: structural funds still constituted the EU's second-highest area of spending (195 billion euro) after agriculture policy; and of this, 94% was dedicated to EU objectives policy, with 5.35% to the Community initiatives, whose number was reduced to four (INTERREG III, EQUAL, LEADER +, and URBAN) after the Council of Ministers refused to enhance budgets, despite appeals by the Committee of the Regions (2002). INTERREG III concentrated as much as 50% of the Community initiatives allowance, or 4,875 million euro. As noted above, INTERREG III was composed of three strands: cross-border co-operation (53 programmes), transnational co-operation (13 programmes), and interregional co-operation (four programmes) (Interact, 2005). Its implementation structure was reinforced through measures which obligated partners to collaborate along three dimensions (public/private, local/EU, and border-neighbouring). This was the last step before the complete mainstreaming of CBC policy.

The 2004 enlargement of the EU through the inclusion of ten new member states clearly raised the problem for the future of regional policy in 'old' member states. The low gross domestic product *per capita* of the new adherents required a massive transfer of European funds in order to maintain the socio-economic convergence of the Union. Solutions presented during the Lisbon Conference (2007) led to a new reform of structural funds according to the new EU strategy, also in 2007. Following British recommendations, this strategy consisted in making European territories attractive by promoting innovation and favouring the adaptation of workers to the shifting requirements of the economic market. In concrete terms, the strategy anticipated a drop in Common Agriculture Policy funding and significant investments in high-tech and training. The conversion of CBC into a top objective of structural policy seemed to fit well with this approach by catalysing the effects of the structural fund:

'Territorial co-operation was a good way of doing more by spending less. Its cost is relatively reduced [with] respect to the other European policies but its symbolic and practical effects can be very important' (interview with a French deputy, European Parliament, Strasbourg, 2003).

As a consequence, Council regulation 1083/2006, adopted on 11 July 2006, stated that structural funds must concentrate on three new objectives: 'Convergence' (81.54% of total spending, or 251,263 million euro); 'Regional Competitiveness and Employment' (15.95%, or 38,742 million euro); and 'Territorial Co-operation' (2.52% or 7,750 million euro) (Council of Ministers 2006). As said in the introduction, the EU's number three objective, CBC is not an experimental programme anymore. It now depends on ERDF for realising economic, social, and environmental activities in border areas, favouring transnational and interregional co-operation, and reinforcing the efficiency of the regional policy. Furthermore, the complete mainstreaming of CBC is reinforced by the creation of a new instrument of implementation through the EGTC – a structure backed by the AEBR and the Council of Europe since the 1980s – which possesses a legal personality, is officially recognised by the EU, and can integrate public and private organisations, including those located in non-EU countries (European Parliament and Council of Ministers 2006).

CONCLUSION

Synthesising 50 years of EU politics into a single paper is clearly a daunting task. Nevertheless, now that CBC has converted into a core strand of EU regional policy, this

effort is necessary and worthwhile, revealing much about the nature of European policy development in general as well as its regional policy in particular.

It is shown that from 1957 to 1986, intergovernmental dynamics impeded the creation of an autonomous border policy through the strong control by member state governments over regional grants. Nevertheless, in 1986 this trend was modified by a combination of various factors. The problems and solutions brought by a coalition of pro-CBC actors (association of regions and the Council of Europe) and the restructuring of regional policy by the Delors' Commission generated the first measures for developing CBC in the EU. The launching of a CBC pilot policy in 1989 and its rapid conversion into a Community initiative during the 1990s were accelerated by the independence of Eastern and Central European countries and the 2004 enlargement of the EU. More recently, the arrival of new proactive EU agents and the need to maintain a certain financial presence in old member states, made the Commission decide to launch an innovative policy with new objectives (border areas) and new instruments (the EGTC). These drivers explain the incremental evolution of CBC since 1990 and the process followed since.

This process seems to confirm the starting hypothesis of this paper by showing how a consolidated policy dynamic can experience a dramatic reversal when necessary drivers meet at a certain point. In other words, the rise of CBC was anything but ineluctable and its evolution was ruled by the equilibrium of power within a given policy sub-field. The long-standing efforts of a coalition of pro-CBC activists were finally successful when the political opportunity structure suddenly opened in the late 1980s. Beyond intergovernmental and neo-functionalist perspectives of European integration, day-to-day arrangements and a combination of internal and external variables generated the current CBC policy.

However interesting this analysis may be for examining policy mainstreaming dynamics, this case study points to at least three important theoretical issues that policy change theorists should take into account when considering future developments. Firstly, it confirms that policy change can affect very different features of policy programmes, especially at the EU level where the number of participants, ideas and institutions is large. The balance of powers of a given policy sub-system can be slowly evolving while the funding of the programme itself remains stable (for example in the case of the transition from INTERREG pilot-action to INTERREG I). The concept of change must be understood from a broad perspective.

Secondly, it demonstrates that U-turn policy changes are not necessarily caused by exogenous events. In other words, alternative explanations based on consistent sociological analyses of internal interactions occurring within policy sub-systems allow avoiding *deus ex machina* explanations. In sum, the case of the CBC policy in the EU suggests that internal routines are not necessarily a factor of stability since conflicts can emerge within organisations through a coalitions-building process. As evidence, the roster of policy participants – a fundamental driver of policy change – should not only be understood from a quantitative perspective (e.g. who is in and who is out) but also from a qualitative one, in terms of policy roles. The example of the AEBC shows how a policy actor can evolve over time, from a marginal regional association to an institutional think-tank working in close relationship with the Commission. Indeed, it is interesting to note how successful this organisation was in converting its technical knowledge of CBC into a political resource and became able to push on its own issues on the EU agenda.

Lastly, as demonstrated by this case, it is by no means sure that a period of ten years is the minimum necessary to identify critical junctures in the evolution of a policy sub-system. The U-turn experimented by the CBC policy occurred in very few years between 1986 and 1990. Actually, other recent examples tend to demonstrate that the process of

emotional contagion which operates during the collapse of a sub-system – and especially after a traumatic experience – also tends to accelerate the policy shift from an existing set of strategies, institutions, representations and behaviours to a new set (Jones, 2003, 395-412).

Bearing this in mind as we look ahead, the future evolution of CBC will be a particularly interesting case to follow in order to assess the impact of the 2008 financial crisis in subsequent modifications to EU policy.

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Table 1, about here

Figure 1, about here

Figure 2, about here

Figure 3, about here

Location of the interviews	Institution of the interviewees	Year of the interview
Belgium	European Commission	2003
Belgium	European Commission	2003
Belgium	European Commission	2002
Belgium	European Commission	2011
Belgium	European Commission	2010
Belgium	European Commission	2011
Belgium	European Commission	2010
France	Mission opérationnelle transfrontalière	2005
France	Mission opérationnelle transfrontalière	2006
France	Préfecture de Midi-Pyrénées	2005
France	Council of Europe	2010
France	European Parliament	2003
France	European Parliament	2003
France	Conseil régional d'Aquitaine	2006
France	Conseil régional du Languedoc-Roussillon	2006
France	Committee of the Regions	2006
France	Conference of Peripheral Maritime Regions	2005
France	Communauté de travail des Pyrénées	2005
France	Institut de science politique de Bordeaux	2008
Germany	AEBR	2006
Germany	AEBR	2012
Germany	EUREGIO	2010
Italy	European University Institute	2006
Italy	European University Institute	2005
Italy	European University Institute	2009
Poland	PSDB	2012
Portugal	Universidad de Salamanca	2010
Spain	Generalitat de Catalunya	2004
Spain	Generalitat de Catalunya	2005
Spain	Gobierno de Aragón	2006
Spain	Gobierno Vasco	2006
Spain	Gobierno Vasco	2007
Spain	European Parliament	2005
Spain	European Parliament	2006
Spain	University of Hull	2005
Spain	Eurocities	2004
Spain	University of Loughborough	2005
Spain	Euroregión Pirineos-Mediterráneo	2006
Spain	Universidade de Vigo	2006
Spain	Universidad Autónoma de Barcelona	2004
Spain	Interact Point Valencia	2006
Spain	Universidad Autónoma de Barcelona	2006
Spain	Universidad Pablo de Olavide	2012
United-Kingdom	University of Brighton	2009
United-Kingdom	University of Warwick	2005

Table 1. List of interviews conducted by the first author and referred to in this article.

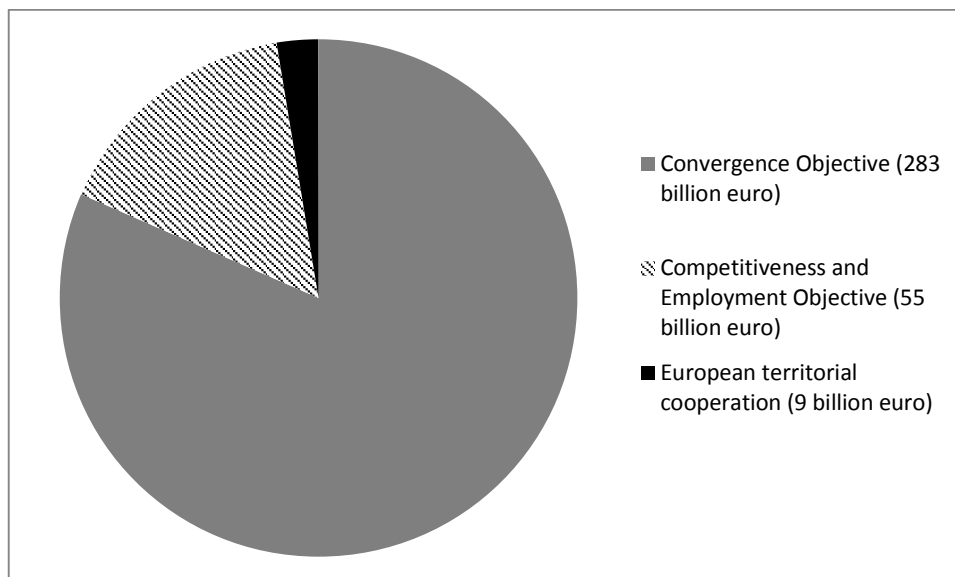


Figure 1. Repartition of EU regional policy by objectives 2007-2013.

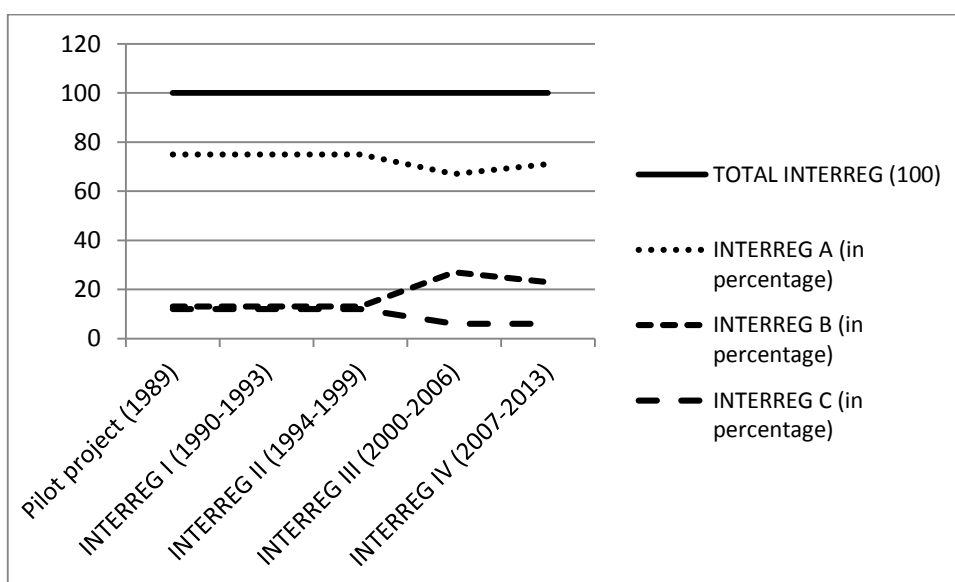


Figure 2. Historical evolution of the three strands of INTERREG in percentage.

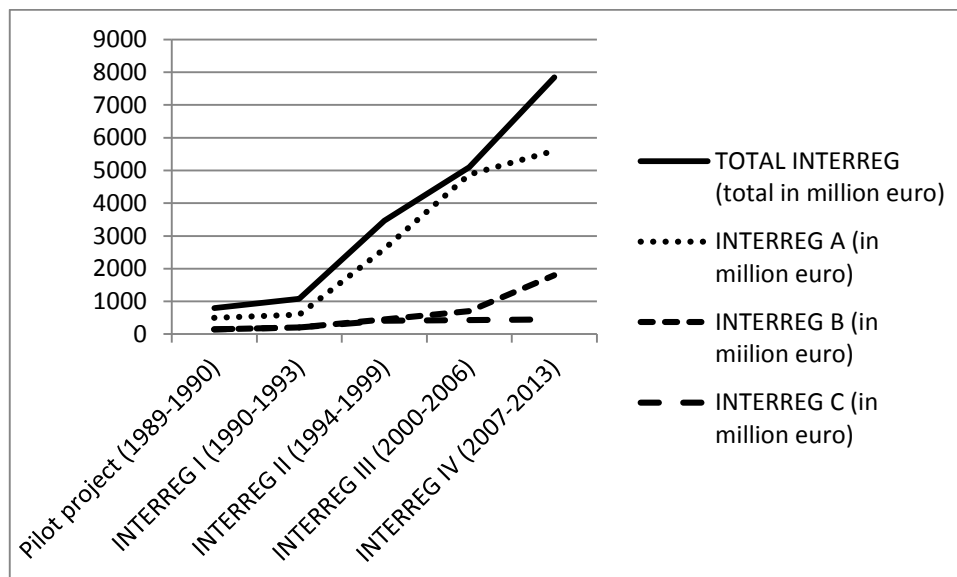


Figure 3. Historical evolution of the three strands of INTERREG in million euro.